IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No. 340 of 2005
with
CIVIL APPLICATION NO. 10243 OF 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE A.L.DAVE

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DEVJIBHAI DHULABHAI PATADIA & 3 - Appellant(s)

Versus

STATE OF GUJARAT & 1 - Defendant(s)

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Appearance :
MR HARDIK C RAWAL for Appellant(s) : 1 - 4.MR NIMESH V DIXIT for Appellant(s) : 1 - 4.
MR LB DABHI, AGP, for respondent No.1.
NANAVATI & NANAVATI for respondent No. 2.
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CORAM : HONOURABLE MR.JUSTICE A.L.DAVE

Date : 18/10/2005

ORAL JUDGMENT

1. Appeal is admitted. Learned Assistant

Government Pleader, Mr. Dabhi, waives service of notice on behalf of respondent No.1-State and learned Advocate, Mr. Dave, waives service of notice on behalf of Nanavati and Nanavati for respondent No.2.

2. By consent of parties, the appeal is taken up today for final hearing.

3. The appellants have filed suit before the Trial Court to challenge the notice issued by respondent-Corporation under Section 68 and Rule 33 of the Gujarat Town Planning Act. It is in respect of residential premises occupied by the appellants. It is stated at the Bar by learned Advocate, Mr. Raval, that the respondent-Corporation has not taken possession of the property in question. It is also indicated that other similarly situated persons, who have not approached the Civil Court, have also not been disturbed. There is a consensus that the appellants herein are very similarly situated to the appellants in Appeal from Order No.29 of 2000 and allied matters, which came to be disposed of on 10th September, 2001.

4. In view of the above fact-situation, the

appellants also deserve similar treatment. The Trial Court is directed to dispose of the suit in question as early as possible, on a priority basis, preferably by end of April 2006. Till then, the possession of the appellants, which is yet not disturbed so far, will not be disturbed. The appeal stands disposed of accordingly.

5. In view of the disposal of the appeal, no order on the Civil Application.

[A. L. DAVE, J.]

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